

AMENDED IN SENATE APRIL 15, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1246**

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**Introduced by Senator Negrete McLeod**

February 19, 2010

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An act to amend Sections 1206.5, 1209, and 3613 of, and to add Sections 3640.2 and 3640.3 to, the Business and Professions Code, relating to naturopathic medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 1246, as amended, Negrete McLeod. Naturopathic medicine.

Existing law provides for the regulation and licensure of clinical laboratories and clinical laboratory personnel by the State Department of Health Care Services. Existing law prohibits the performance of a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 unless the test or examination is performed under the overall operation and administration of a laboratory director, as defined, and is performed by specified persons, including certain health care personnel. Existing law, the Naturopathic Doctors Act, provides for the regulation and licensure of naturopathic doctors by the Naturopathic Medicine Committee.

This bill would expand the category of persons who may perform clinical laboratory tests or examinations that are classified as waived to include licensed naturopathic doctors if the results of the tests can be lawfully utilized within their practice, and would provide that a laboratory director includes a naturopathic doctor, as specified for purposes of waived examinations. The bill would define a naturopathic assistant for purposes of the Naturopathic Doctors Act, would authorize those assistants to perform certain medical procedures under the

supervision of a naturopathic doctor, and would also authorize those assistants to perform specified naturopathic technical support services, and additional technical support services under regulations and standards established by the Naturopathic Medicine Committee. The bill would prohibit a naturopathic assistant from being employed for inpatient care in a licensed general acute care hospital.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1206.5 of the Business and Professions  
2 Code is amended to read:

3 1206.5. (a) Notwithstanding subdivision (b) of Section 1206  
4 and except as otherwise provided in Section 1241, no person shall  
5 perform a clinical laboratory test or examination classified as  
6 waived under CLIA unless the clinical laboratory test or  
7 examination is performed under the overall operation and  
8 administration of the laboratory director, as described in Section  
9 1209, including, but not limited to, documentation by the laboratory  
10 director of the adequacy of the qualifications and competency of  
11 the personnel, and the test is performed by any of the following  
12 persons:

13 (1) A licensed physician and surgeon holding a M.D. or D.O.  
14 degree.

15 (2) A licensed podiatrist, a licensed dentist, or a licensed  
16 naturopathic doctor, if the results of the tests can be lawfully  
17 utilized within his or her practice.

18 (3) A person licensed under this chapter to engage in clinical  
19 laboratory practice or to direct a clinical laboratory.

20 (4) A person authorized to perform tests pursuant to a certificate  
21 issued under Article 5 (commencing with Section 101150) of  
22 Chapter 2 of Part 3 of Division 101 of the Health and Safety Code.

23 (5) A licensed physician assistant if authorized by a supervising  
24 physician and surgeon in accordance with Section 3502 or 3535.

25 (6) A person licensed under Chapter 6 (commencing with  
26 Section 2700).

27 (7) A person licensed under Chapter 6.5 (commencing with  
28 Section 2840).

1 (8) A perfusionist if authorized by and performed in compliance  
2 with Section 2590.

3 (9) A respiratory care practitioner if authorized by and  
4 performed in compliance with Chapter 8.3 (commencing with  
5 Section 3700).

6 (10) A medical assistant, as defined in Section 2069, if the  
7 waived test is performed pursuant to a specific authorization  
8 meeting the requirements of Section 2069.

9 (11) A pharmacist, as defined in Section 4036, if ordering drug  
10 therapy-related laboratory tests in compliance with clause (ii) of  
11 subparagraph (A) of paragraph (5) of, or subparagraph (B) of  
12 paragraph (4) of, subdivision (a) of Section 4052, or if performing  
13 skin puncture in the course of performing routine patient  
14 assessment procedures in compliance with Section 4052.1.

15 *(12) A naturopathic assistant, as defined in Sections 3613 and*  
16 *3640.2, if the waived test is performed pursuant to a specific*  
17 *authorization meeting the requirements of Sections 3613 and*  
18 *3640.2.*

19 ~~(12)~~

20 (13) Other health care personnel providing direct patient care.

21 ~~(13)~~

22 (14) Any other person performing nondiagnostic testing pursuant  
23 to Section 1244.

24 (b) Notwithstanding subdivision (b) of Section 1206, no person  
25 shall perform clinical laboratory tests or examinations classified  
26 as of moderate complexity under CLIA unless the clinical  
27 laboratory test or examination is performed under the overall  
28 operation and administration of the laboratory director, as described  
29 in Section 1209, including, but not limited to, documentation by  
30 the laboratory director of the adequacy of the qualifications and  
31 competency of the personnel, and the test is performed by any of  
32 the following persons:

33 (1) A licensed physician and surgeon holding a M.D. or D.O.  
34 degree.

35 (2) A licensed podiatrist or a licensed dentist if the results of  
36 the tests can be lawfully utilized within his or her practice.

37 (3) A person licensed under this chapter to engage in clinical  
38 laboratory practice or to direct a clinical laboratory.

1 (4) A person authorized to perform tests pursuant to a certificate  
2 issued under Article 5 (commencing with Section 101150) of  
3 Chapter 2 of Part 3 of Division 101 of the Health and Safety Code.

4 (5) A licensed physician assistant if authorized by a supervising  
5 physician and surgeon in accordance with Section 3502 or 3535.

6 (6) A person licensed under Chapter 6 (commencing with  
7 Section 2700).

8 (7) A perfusionist if authorized by and performed in compliance  
9 with Section 2590.

10 (8) A respiratory care practitioner if authorized by and  
11 performed in compliance with Chapter 8.3 (commencing with  
12 Section 3700).

13 (9) A person performing nuclear medicine technology if  
14 authorized by and performed in compliance with Article 6  
15 (commencing with Section 107150) of Chapter 4 of Part 1 of  
16 Division 104 of the Health and Safety Code.

17 (10) Any person if performing blood gas analysis in compliance  
18 with Section 1245.

19 ~~(11) A naturopathic assistant, as defined in Sections 3613 and~~  
20 ~~3640.2, if the waived test is performed pursuant to a specific~~  
21 ~~authorization meeting the requirements of Sections 3613 and~~  
22 ~~3640.2.~~

23 ~~(12)~~  
24 (11) (A) A person certified or licensed as an “Emergency  
25 Medical Technician II” or paramedic pursuant to Division 2.5  
26 (commencing with Section 1797) of the Health and Safety Code  
27 while providing prehospital medical care, a person licensed as a  
28 psychiatric technician under Chapter 10 (commencing with Section  
29 4500) of Division 2, as a vocational nurse pursuant to Chapter 6.5  
30 (commencing with Section 2840), or as a midwife licensed pursuant  
31 to Article 24 (commencing with Section 2505) of Chapter 5, or  
32 certified by the department pursuant to Division 5 (commencing  
33 with Section 70001) of Title 22 of the California Code of  
34 Regulations as a nurse assistant or a home health aide, who  
35 provides direct patient care, if the person is performing the test as  
36 an adjunct to the provision of direct patient care by the person, is  
37 utilizing a point-of-care laboratory testing device at a site for which  
38 a laboratory license or registration has been issued, meets the  
39 minimum clinical laboratory education, training, and experience  
40 requirements set forth in regulations adopted by the department,

1 and has demonstrated to the satisfaction of the laboratory director  
2 that he or she is competent in the operation of the point-of-care  
3 laboratory testing device for each analyte to be reported.

4 (B) Prior to being authorized by the laboratory director to  
5 perform laboratory tests or examinations, testing personnel  
6 identified in subparagraph (A) shall participate in a preceptor  
7 program until they are able to perform the clinical laboratory tests  
8 or examinations authorized in this section with results that are  
9 deemed accurate and skills that are deemed competent by the  
10 preceptor. For the purposes of this section, a “preceptor program”  
11 means an organized system that meets regulatory requirements in  
12 which a preceptor provides and documents personal observation  
13 and critical evaluation, including review of accuracy, reliability,  
14 and validity, of laboratory testing performed.

15 ~~(13)~~

16 (12) Any other person within a physician office laboratory if  
17 the test is performed under the supervision of the patient’s  
18 physician and surgeon or podiatrist who shall be accessible to the  
19 laboratory to provide onsite, telephone, or electronic consultation  
20 as needed, and shall: (A) ensure that the person is performing test  
21 methods as required for accurate and reliable tests; and (B) have  
22 personal knowledge of the results of the clinical laboratory testing  
23 or examination performed by that person before the test results are  
24 reported from the laboratory.

25 ~~(14)~~

26 (13) A pharmacist, if ordering drug therapy-related laboratory  
27 tests in compliance with clause (ii) of subparagraph (A) of  
28 paragraph (5) of, or subparagraph (B) of paragraph (4) of,  
29 subdivision (a) of Section 4052.

30 (c) Notwithstanding subdivision (b) of Section 1206, no person  
31 shall perform clinical laboratory tests or examinations classified  
32 as of high complexity under CLIA unless the clinical laboratory  
33 test or examination is performed under the overall operation and  
34 administration of the laboratory director, as described in Section  
35 1209, including, but not limited to, documentation by the laboratory  
36 director of the adequacy of the qualifications and competency of  
37 the personnel, and the test is performed by any of the following  
38 persons:

39 (1) A licensed physician and surgeon holding a M.D. or D.O.  
40 degree.

1 (2) A licensed podiatrist or a licensed dentist if the results of  
2 the tests can be lawfully utilized within his or her practice.

3 (3) A person licensed under this chapter to engage in clinical  
4 laboratory practice or to direct a clinical laboratory if the test or  
5 examination is within a specialty or subspecialty authorized by  
6 the person's licensure.

7 (4) A person authorized to perform tests pursuant to a certificate  
8 issued under Article 5 (commencing with Section 101150) of  
9 Chapter 2 of Part 3 of Division 101 of the Health and Safety Code  
10 if the test or examination is within a specialty or subspecialty  
11 authorized by the person's certification.

12 (5) A licensed physician assistant if authorized by a supervising  
13 physician and surgeon in accordance with Section 3502 or 3535.

14 (6) A perfusionist if authorized by and performed in compliance  
15 with Section 2590.

16 (7) A respiratory care practitioner if authorized by and  
17 performed in compliance with Chapter 8.3 (commencing with  
18 Section 3700).

19 (8) A person performing nuclear medicine technology if  
20 authorized by and performed in compliance with Article 6  
21 (commencing with Section 107150) of Chapter 4 of Part 1 of  
22 Division 104 of the Health and Safety Code.

23 (9) Any person if performing blood gas analysis in compliance  
24 with Section 1245.

25 (10) Any other person within a physician office laboratory if  
26 the test is performed under the onsite supervision of the patient's  
27 physician and surgeon or podiatrist who shall: (A) ensure that the  
28 person is performing test methods as required for accurate and  
29 reliable tests; and (B) have personal knowledge of the results of  
30 clinical laboratory testing or examination performed by that person  
31 before the test results are reported from the laboratory.

32 (d) Clinical laboratory examinations classified as  
33 provider-performed microscopy under CLIA may be personally  
34 performed using a brightfield or phase/contrast microscope by one  
35 of the following practitioners:

36 (1) A licensed physician and surgeon using the microscope  
37 during the patient's visit on a specimen obtained from his or her  
38 own patient or from a patient of a group medical practice of which  
39 the physician is a member or employee.

(2) A nurse midwife holding a certificate as specified by Section 2746.5, a licensed nurse practitioner as specified in Section 2835.5, or a licensed physician assistant acting under the supervision of a physician pursuant to Section 3502 using the microscope during the patient's visit on a specimen obtained from his or her own patient or from the patient of a clinic, group medical practice, or other health care provider of which the certified nurse midwife, licensed nurse practitioner, or licensed physician assistant is an employee.

(3) A licensed dentist using the microscope during the patient's visit on a specimen obtained from his or her own patient or from a patient of a group dental practice of which the dentist is a member or an employee.

SEC. 2. Section 1209 of the Business and Professions Code is amended to read:

1209. (a) As used in this chapter, "laboratory director" means any person who is a duly licensed physician and surgeon, or, only for purposes of a clinical ~~licensing~~ *laboratory* test or examination classified as waived, is a duly licensed naturopathic doctor, or is licensed to direct a clinical laboratory under this chapter and who substantially meets the laboratory director qualifications under CLIA for the type and complexity of tests being offered by the laboratory. The laboratory director, if qualified under CLIA, may perform the duties of the technical consultant, technical supervisor, clinical consultant, general supervisor, and testing personnel, or delegate these responsibilities to persons qualified under CLIA. If the laboratory director reapportions performance of those responsibilities or duties, he or she shall remain responsible for ensuring that all those duties and responsibilities are properly performed.

(b) (1) The laboratory director is responsible for the overall operation and administration of the clinical laboratory, including administering the technical and scientific operation of a clinical laboratory, the selection and supervision of procedures, the reporting of results, and active participation in its operations to the extent necessary to ensure compliance with this act and CLIA. He or she shall be responsible for the proper performance of all laboratory work of all subordinates and shall employ a sufficient number of laboratory personnel with the appropriate education and either experience or training to provide appropriate

1 consultation, properly supervise and accurately perform tests, and  
2 report test results in accordance with the personnel qualifications,  
3 duties, and responsibilities described in CLIA and this chapter.

4 (2) Where a point-of-care laboratory testing device is utilized  
5 and provides results for more than one analyte, the testing  
6 personnel may perform and report the results of all tests ordered  
7 for each analyte for which he or she has been found by the  
8 laboratory director to be competent to perform and report.

9 (c) As part of the overall operation and administration, the  
10 laboratory director of a registered laboratory shall document the  
11 adequacy of the qualifications (educational background, training,  
12 and experience) of the personnel directing and supervising the  
13 laboratory and performing the laboratory test procedures and  
14 examinations. In determining the adequacy of qualifications, the  
15 laboratory director shall comply with any regulations adopted by  
16 the department that specify the minimum qualifications for  
17 personnel, in addition to any CLIA requirements relative to the  
18 education or training of personnel.

19 (d) As part of the overall operation and administration, the  
20 laboratory director of a licensed laboratory shall do all of the  
21 following:

22 (1) Ensure that all personnel, prior to testing biological  
23 specimens, have the appropriate education and experience, receive  
24 the appropriate training for the type and complexity of the services  
25 offered, and have demonstrated that they can perform all testing  
26 operations reliably to provide and report accurate results. In  
27 determining the adequacy of qualifications, the laboratory director  
28 shall comply with any regulations adopted by the department that  
29 specify the minimum qualifications for, and the type of procedures  
30 that may be performed by, personnel in addition to any CLIA  
31 requirements relative to the education or training of personnel.  
32 Any regulations adopted pursuant to this section that specify the  
33 type of procedure that may be performed by testing personnel shall  
34 be based on the skills, knowledge, and tasks required to perform  
35 the type of procedure in question.

36 (2) Ensure that policies and procedures are established for  
37 monitoring individuals who conduct preanalytical, analytical, and  
38 postanalytical phases of testing to ensure that they are competent  
39 and maintain their competency to process biological specimens,  
40 perform test procedures, and report test results promptly and



1 proficiently, and, whenever necessary, identify needs for remedial  
2 training or continuing education to improve skills.

3 (3) Specify in writing the responsibilities and duties of each  
4 individual engaged in the performance of the preanalytic, analytic,  
5 and postanalytic phases of clinical laboratory tests or examinations,  
6 including which clinical laboratory tests or examinations the  
7 individual is authorized to perform, whether supervision is required  
8 for the individual to perform specimen processing, test  
9 performance, or results reporting, and whether consultant,  
10 supervisor, or director review is required prior to the individual  
11 reporting patient test results.

12 (e) The competency and performance of staff of a licensed  
13 laboratory shall be evaluated and documented by the laboratory  
14 director, or by a person who qualifies as a technical consultant or  
15 a technical supervisor under CLIA depending on the type and  
16 complexity of tests being offered by the laboratory.

17 (1) The procedures for evaluating the competency of the staff  
18 shall include, but are not limited to, all of the following:

19 (A) Direct observations of routine patient test performance,  
20 including patient preparation, if applicable, and specimen handling,  
21 processing, and testing.

22 (B) Monitoring the recording and reporting of test results.

23 (C) Review of intermediate test results or worksheets, quality  
24 control records, proficiency testing results, and preventive  
25 maintenance records.

26 (D) Direct observation of performance of instrument  
27 maintenance and function checks.

28 (E) Assessment of test performance through testing previously  
29 analyzed specimens, internal blind testing samples, or external  
30 proficiency testing samples.

31 (F) Assessment of problem solving skills.

32 (2) Evaluation and documentation of staff competency and  
33 performance shall occur at least semiannually during the first year  
34 an individual tests biological specimens. Thereafter, evaluations  
35 shall be performed at least annually unless test methodology or  
36 instrumentation changes, in which case, prior to reporting patient  
37 test results, the individual's performance shall be reevaluated to  
38 include the use of the new test methodology or instrumentation.

(f) The laboratory director of each clinical laboratory of an acute care hospital shall be a physician and surgeon who is a qualified pathologist, except as follows:

(1) If a qualified pathologist is not available, a physician and surgeon or a clinical laboratory bioanalyst qualified as a laboratory director under subdivision (a) may direct the laboratory. However, a qualified pathologist shall be available for consultation at suitable intervals to ensure high quality service.

(2) If there are two or more clinical laboratories of an acute care hospital, those additional clinical laboratories that are limited to the performance of blood gas analysis, blood electrolyte analysis, or both, may be directed by a physician and surgeon qualified as a laboratory director under subdivision (a), irrespective of whether a pathologist is available.

As used in this subdivision, a qualified pathologist is a physician and surgeon certified or eligible for certification in clinical or anatomical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology.

(g) Subdivision (f) does not apply to any director of a clinical laboratory of an acute care hospital acting in that capacity on or before January 1, 1988.

(h) A laboratory director may serve as the director of up to the maximum number of laboratories stipulated by CLIA, as defined under Section 1202.5.

SEC. 3. Section 3613 of the Business and Professions Code is amended to read:

3613. The following definitions apply for the purposes of this chapter:

(a) "Committee" means the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Any reference in any law or regulation to the Bureau of Naturopathic Medicine shall be deemed to refer to the Naturopathic Medicine Committee within the Osteopathic Medical Board of California.

(b) "Naturopathic childbirth attendance" means the specialty practice of natural childbirth by a naturopathic doctor that includes the management of normal pregnancy, normal labor and delivery, and the normal postpartum period, including normal newborn care.

(c) "Naturopathic medicine" means a distinct and comprehensive system of primary health care practiced by a naturopathic doctor

1 for the diagnosis, treatment, and prevention of human health  
2 conditions, injuries, and disease.

3 (d) “Naturopathic doctor” means a person who holds an active  
4 license issued pursuant to this chapter.

5 (e) “Naturopathy” means a noninvasive system of health practice  
6 that employs natural health modalities, substances, and education  
7 to promote health.

8 (f) “Drug” means any substance defined as a drug by Section  
9 11014 of the Health and Safety Code.

10 (g) “Naturopathic assistant” means a person who may be  
11 unlicensed, who performs basic administrative, clerical, and  
12 technical supportive services in compliance with this chapter for  
13 a licensed naturopathic doctor or naturopathic corporation and  
14 who is at least 18 years of age, and who has had at least the  
15 minimum amount of hours of appropriate training pursuant to  
16 standards established by the Medical Board of California for a  
17 medical assistant pursuant to Section 2069. The naturopathic  
18 assistant shall be issued a certificate by the training institution or  
19 instructor indicating satisfactory completion of the required  
20 training. A copy of the certificate shall be retained as a record by  
21 each employer or the naturopathic assistant.

22 (h) “Naturopathic technical supportive services” means simple  
23 routine medical tasks and procedures that may be safely performed  
24 by a naturopathic assistant who has limited training and who  
25 functions under the supervision of a licensed naturopathic doctor.

26 (i) “Specific authorization” means a specific written order  
27 prepared by the supervising naturopathic doctor authorizing the  
28 procedures to be performed on a patient, which shall be placed in  
29 the patient’s medical record, or a standing order prepared by the  
30 supervising naturopathic doctor authorizing the procedures to be  
31 performed. A notation of the standing order shall be placed on the  
32 patient’s medical record.

33 (j) “Supervision” means the supervision of procedures  
34 authorized under this section or Section 3640.2 by a naturopathic  
35 doctor, within his or her scope of practice, who is physically  
36 present in the treatment facility during the performance of those  
37 procedures.

38 SEC. 4. Section 3640.2 is added to the Business and Professions  
39 Code, to read:

1 3640.2. Notwithstanding any other provision of law, a  
2 naturopathic assistant may do all of the following:

3 (a) Administer medication only by intradermal, subcutaneous,  
4 or intramuscular injections and perform skin tests and additional  
5 technical support services upon the specific authorization and  
6 supervision of a licensed naturopathic doctor. A naturopathic  
7 assistant may also perform all these tasks and services in a clinic  
8 licensed pursuant to subdivision (a) of Section 1204 of the Health  
9 and Safety Code upon the specific authorization of a naturopathic  
10 doctor.

11 (b) Perform venipuncture or skin puncture for the purposes of  
12 withdrawing blood upon specific authorization and under the  
13 supervision of a licensed naturopathic doctor if prior thereto the  
14 naturopathic assistant has met the educational and training  
15 requirements for medical assistants as established in Section 2070.  
16 A copy of any related certificates shall be retained as a record by  
17 each employer of the assistant.

18 (c) Perform the following naturopathic technical support  
19 services:

20 (1) Administer medications orally, sublingually, topically,  
21 vaginally, or rectally, or by providing a single dose to a patient for  
22 immediate self-administration. Administer medication by inhalation  
23 if the medications are patient-specific and have been or will be  
24 repetitively administered to the patient. In every instance, prior to  
25 administration of medication by the naturopathic assistant, the  
26 naturopathic doctor shall verify the correct medication and dosage.

27 (2) Apply and remove bandages and dressings.

28 (3) Collect by noninvasive techniques and preserve specimens  
29 for testing, including urine, sputum, semen, and stool.

30 (4) Assist patients in ambulation and transfers.

31 (5) As authorized by the naturopathic doctor, provide patient  
32 information and instructions.

33 (6) Collect and record patient data, including height, weight,  
34 temperature, pulse, respiration rate, and blood pressure, and basic  
35 information about the presenting and previous conditions.

36 (7) Perform simple laboratory and screening tests customarily  
37 performed in a medical office.

38 (d) Perform additional naturopathic technical support services  
39 under the regulations and standards established by the committee.

40 The committee shall, prior to the adoption of any regulations,

1 request recommendations regarding these standards from  
2 appropriate public agencies, including, but not limited to, the  
3 Medical Board of California, the Board of Registered Nursing, the  
4 Board of Vocational Nursing and Psychiatric Technicians of the  
5 State of California, the Laboratory Field Services division of the  
6 State Department of Public Health, and the Physical Therapy  
7 Examining Committee. The Naturopathic Medicine Committee  
8 shall also request recommendations regarding these standards from  
9 associations of medical assistants, physicians, and others, as  
10 appropriate, including, but not limited to, the California Medical  
11 Association, the California Society of Medical Assistants, and the  
12 California Medical Assistants' Association. Nothing in this  
13 subdivision shall be construed to supersede or modify that portion  
14 of the Administrative Procedure Act that relates to the procedure  
15 for the adoption of regulations set forth in Article 5 (commencing  
16 with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title  
17 2 of the Government Code.

18 SEC. 5. Section 3640.3 is added to the Business and Professions  
19 Code, to read:

20 3640.3. (a) Nothing in this chapter shall be construed as  
21 authorizing the licensure of naturopathic assistants. Nothing in  
22 this chapter shall be construed as authorizing the administration  
23 of local anesthetic agents by a naturopathic assistant. Nothing in  
24 this chapter shall be construed as authorizing the Naturopathic  
25 Medicine Committee to adopt any regulations that violate the  
26 prohibitions on diagnosis or treatment in Section 2052.

27 (b) Nothing in this chapter shall be construed as authorizing a  
28 naturopathic assistant to perform any clinical laboratory test or  
29 examination for which he or she is not authorized under Chapter  
30 3 (commencing with Section 1200).

31 (c) Notwithstanding any other provision of law, a naturopathic  
32 assistant may not be employed for inpatient care in a licensed  
33 general acute care hospital as defined in subdivision (a) of Section  
34 1250 of the Health and Safety Code.